BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF APPEALS AND INTERFERENCES

First Named Inventor	:	Granville R. Fairchild
Serial No.	:	10/716,781
Filed	:	11-18-2003
Art Unit	:	2165
Examiner	:	Syed, Farhan M
Title	:	METHOD AND APPARATUS PROVIDING OMNIBUS VIEW OF ONLINE AND OFFLINE CONTENT OF VARIOUS FILE TYPES AND SOURCES
Attorney Docket No.	:	AOL0157

Date: July 5, 2007

Honorable Commissioner of Patents & Trademarks
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REPLY BRIEF UNDER CFR 41.41

This is a Reply Brief in response to the Examiner's Answer dated 5-4-2007.

Status

1.   Claims 1-2, 4-5, 7-8, 10-11, and 13 stand rejected under 35 USC 103.

2.   Claims 3, 6, 9, 12 have been objected-to as being dependent on rejected base claims, but are otherwise in condition for allowance.

3.   Appellant acknowledges that the Examiner has withdrawn all rejections under 35 USC 101.

Arguments

        Appellant hereby re-asserts all arguments from Appellant's previously filed Brief. In addition, the following discussion is provided to specifically address statements of the Examiner's Answer.

1.   **"Providing an aggregated catalog that contains information including: (1) metadata identifying members' data objects residing in the data centers, and (2) metadata identifying members' data objects residing in local storage of respective member computers."**

        The arguments of the Examiner's Answer contradict each other, since the Examiner alleges that Hsiao teaches an aggregate catalog (page 12), but also admits that Hsiao does not explicitly teach an aggregate catalog (page 6). Appellant agrees with the latter statement, and respectfully disagrees with the former statement.

        By unfortunate coincidence, Hsiao contains a number of references to "local" storage and "local" components. However, the mere use of the terms "local" and "remote" cannot be taken on face value - as their meaning and context as used in Hsiao is completely different than the claimed invention. Hsiao's "local" aspect refers to entities connected with a particular network or content management system rather than being "local" to a user's computer.

        Hsiao's use of the term "local" is inconsistent, and at any rate, unrelated to the data objects "residing in local storage of respective member computers" as claimed.

        In one instance, Hsiao explicitly illustrates its "local file system 530" as part of the scalable content management system 10, apart from the clients 505. In another

instance, Hsiao uses a term "locally stored pages" to refer to certain materials accessible via servers 25, 27. [Hsiao: col. 8, lines 36-48] However, none of this stored information (50, 55, 60) is present in user computers 37, 39. [Hsiao: Fig. 1; col. 8, lines 28-48]

Elsewhere, Hsiao refers to "locally" stored abstracts/indexes data repository. [Hsiao: col. 9, lines 5-15] Although this component is not illustrated in the figures, it seems to be part of the scalable content manager rather than a user's computer. In a further instance, Hsiao discusses a "local" scalable content manager 515, which is illustrated as part of a scalable content management system 10 apart from clients 505. [Hsiao: Fig. 5; col. 10, lines 22-57]

In a further instance, Hsiao discusses whether a request or query can be served "locally" or not. Clear from Hsiao's disclosure, this concerns whether the request/query can be served by the local content manager 515, and has nothing to do with service by any member computer. [Hsiao: Fig. 6; col. 11, line 11-57]

In further examples, Hsiao refers to "local" user clients, "local" content managers, and the service of requests or queries "locally." [Hsiao: col. 11, lines 19-57] In these cases, however, the "local" aspect refers to entities connected with a particular network or content management system rather than being "local" to a user's computer. At any rate, there is nothing in Hsiao to suggest that Hsiao contemplates "data objects residing in local storage of respective member computers" as claimed.

The claimed feature "providing an aggregated catalog..." is patentably distinguished from Hsiao for these reasons, and the further reasons expressed in Appellant's Brief.

2.   **"Communicating with the member computers to identify prescribed types of data objects newly stored in the member computers' local storage..."**

The Examiner argued that Hsiao discloses this feature, as Hsiao shows a content management system 10 connected to a network 20 that includes servers 25, 27 providing access to stored information (50, 55, 60) that may include links to other "locally stored" pages. [Ex. Answer: page 13] Appellant respectfully disagrees. The

Examiner's argument is not persuasive because, as discussed above, Hsiao uses the term "local" in a manner that contrasts with the claim language.

Furthermore, Hsiao's Figure 1 explicitly contradicts the Examiner's argument because Hsiao explicitly illustrates the Examiner's cited information (50, 55, 60) outside the user computers 37, 39. The Examiner's interpretation of Hsiao's "local" to mean "stored on the user computers 37, 39" does not find any support in Hsiao's text and drawings. Once it is understood that Hsiao's use of the term "local" is unrelated to the user computers 37, 39, the attempted reading (pages 13-14) of the claimed feature on Hsiao's disclosure falls apart.

The claimed feature "communicating with the member computers..." is patentably distinguished from Hsiao for these reasons, and the further reasons expressed in Appellant's Brief.

3. "Updating the aggregated catalog to list the newly stored data objects from the online data centers and member computers' local storage..."

The Examiner argued that Hsiao's text "clearly indicates that an online data center is a plurality of remote content manager and local content manager is the member computer's local storage." [Ex. Answer: page 15] Appellant politely disagrees. As discussed in detail above, Hsiao's discussion of "local" storage has nothing to do with the user's computer.

Furthermore, the Examiner's argument contradicts Hsiao's disclosure, which explicitly shows the "local content manager" 515 is a component of the scalable content management system 10, which is clearly apart from the client 505. [Hsiao: Fig. 5] Hsiao's Figure 1 further underscores that the content management system 10 is separate from the user's computers 37, 39.

The claimed feature "updating the aggregated catalog..." is patentably distinguished from Hsiao for these reasons, and the further reasons expressed in Appellant's Brief.

4. "Responsive to each request by a member, searching the aggregated catalog and utilizing results of the search to provide an output for display at the

requesting member's computer, the output comprising a consolidated listing of both online data objects and locally stored data objects owned by the requesting member..."

The Examiner pointed out that Hsiao provides a "single system view" to users of the content management system when metadata and objects are stored in multiple computer nodes. [Ex. Answer: page 16] The Examiner further cited to Hsiao's statement both the local and the remote search results 655 are merged or appended. [Ex. Answer: page 16] Based on this, the Examiner argued that Hsiao teaches the claimed feature.

Careful scrutiny of Hsiao, however, reveals further text clarifying the cited "single system view." Namely, a single system view is provided to clients by scalable content management systems communicating among themselves. Thus, a client can connect to any scalable content management system node to create content, search, and update. It does not need to know which library server node to connect to for searching or updating an object and its metadata. [Hsiao: col. 5, lines 34-42] Accordingly, Hsiao's single system view relates to a consolidated view of all scalable content management systems (which Hsiao explicitly shows are external to the user's computers), and lacks any relationship to data objects residing on member's computers.

Accordingly, the Examiner's argument is not persuasive, as the cited excerpts from Hsiao (considered in context with the entirety of Hsiao's teaching) refute the Examiner's interpretation of the reference.
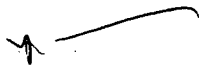
The claimed feature "responsive to each request by a member..." is patentably distinguished from Hsiao for these reasons, and the further reasons expressed in Appellant's Brief.

Conclusion

For the foregoing reasons and those previously advanced in Appellant's Appeal Brief, the pending claims are patentably distinguished over the cited references. Accordingly, Appellant requests the Board to reverse the standing rejections and allow the application.

If any fees are required by this submission, an appropriate fee submittal sheet is enclosed herewith. If fees are required yet this sheet is inadvertently missing, or the fees are incorrect in amount, please charge the charge the required fees (or credit any overpayment) to Deposit Account No. 07-1445.

Respectfully Submitted,

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